

NAVAJO NATION



Elected/Appointed Officials



President: Jonathan Nez

Vice President: Myron Lizer

NNEPA Executive Director: Oliver Whaley

Land Base

- 17,686,400 acres in Arizona, New Mexico, and Utah.
- The Nation is larger than the State of West Virginia.
- The Nation wholly surrounds the Hopi Reservation.

Population and Poverty (2010 Census)

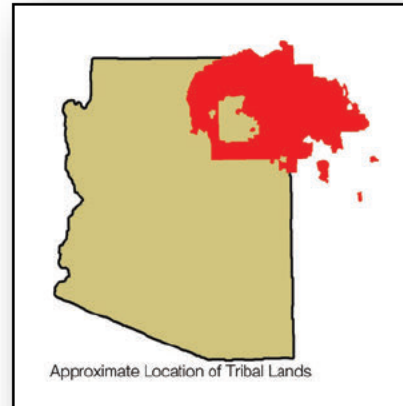
- 173,667 Reservation residents.
- 41.5% live below the poverty line.
- Educational Attainment (of persons over 25):
 - 68.1% are high school graduated or higher.
 - 6.4% have bachelor's degree or higher.

EPA R9 Funding Awarded:

- 18 active EPA grants.
- \$5 million awarded in FY18.

General Environmental Information

The Navajo Nation has a large environmental program and has the most program delegations of any Tribe in the United States. The NNEPA manages a vast land area and protects the health of a large population spread across remote landscapes.



General Assistance Program (GAP)

The Navajo Nation EPA received GAP funding for capacity building activities through FY19. Most recently, the Tribe was focused on developing new education and outreach materials and incorporating Navajo Fundamental Law into NN Environmental codes and ordinances. In FY2019, NNEPA completed their Tribal Environmental Plan (TEP).

Nico Anderson, TIP Division, Tribal Branch (415) 972-3865

**updated 03/2020*

Public Water Systems on the Navajo Nation

The Navajo Nation is the only federally recognized tribe in the United States with primacy for its drinking water program. There are approximately 190 public water systems on the Navajo Nation serving about 188,000 people. The Navajo Nation regulates 170 of the 190 public water systems serving 176,000 people. The remaining 21 public water systems are regulated by U.S. EPA Region 9 and serve about 12,000 people. Since Navajo EPA was awarded primacy in 2000, USEPA has awarded \$15,467,673 in grant funding to support its drinking water program.

Bessie Lee, Water Division (415) 972-3776 **updated 3/2019*

Drinking Water Tribal Set Aside (DWTSA)

EPA began providing DWTSA funding to the Navajo Nation in 2001. From 2001 through 2018 we have provided \$30 million in DSTSA funding to the Navajo Nation. We received two proposals from the Navajo Tribal Utility Authority (NTUA) for FY19 funding. We are reviewing their proposals and intend to make final funding decisions in the summer of 2019.

Emmanuelle Rapicavoli, Water Division (415) 972-3969
**updated 3/2019*

Navajo Nation Drinking Water Enforcement

Based on the 162 public water systems that Navajo Nation has jurisdiction over and regulates through the Navajo Nation EPA, fourteen (14) of those water systems are on the January 2019 Enforcement Tracking Tool (ETT) list with scores of 11 (priority systems) or greater. These systems have been identified by EPA as having maximum contaminant level (MCL) and/or monitoring and reporting violations. On a quarterly basis the EPA Enforcement Division and Water Division work with the Navajo Nation EPA to support them in their efforts to address their priority systems and bring them back into compliance with the SDWA.

Based on EPA's SDWA Enforcement Response Policy (ERP) and oversight responsibilities, Navajo Nation ETT priority systems that remain on the ETT list for more than 6 months without an enforcement or return to compliance action from Navajo Nation EPA, will become priority systems for EPA to evaluate for possible federal enforcement. EPA has direct implementation (DI) over 21 public water systems within the exterior boundaries of the Navajo Nation Reservation. EPA DI water systems on Navajo Nation that appear on the ETT list, will be addressed in the same manner and under the same enforcement oversight as systems regulated by Navajo Nation EPA.

Everett Pringle, Enforcement Division, (415) 972-3548
**updated 03/2020*

Underground Injection Control (Safe Drinking Water Act)

Navajo Nation acquired primacy for the Class II UIC Program in December 2008. Prior to that date, US EPA Region 9 oversaw and administered the Class II UIC Program within the Navajo Nation.

NNEPA UIC estimates that in addition to the Federal Grant money (\$73,309), approximately \$250,000 will be collected in FY19 from injection well permit and annual service fees. EPA Region 9 assistance to the Navajo UIC program includes contractor assistance in support of injection well permit renewal.

Joel Coffman, Water Division (415) 972-3530 **updated 03/2019*

CWA Performance Partnership Grant

The Navajo Nation currently receives funds in a Clean Water Act (CWA) PPG to implement permitting, compliance and enforcement capabilities; restore impaired waters on the reservation; implement the Navajo Nation Surface Water Quality Standards Program; and monitor water quality in accordance with the EPA-approved QAPPs. In FY18 the Tribe received \$900,000 in funding to monitor and protect the designated uses of waters on the Reservation and \$50,000 to implement its nonpoint source pollution protection program. The Tribe has had Delegated Authority for CWA Section 303/401 – Water Quality Standards and Certification since 2006. The Tribe submitted an application to EPA Region 9 to expand its eligibility for CWA 303/401 program to the former Bennett Freeze Area and EPA hopes to make a decision in March 2019. Navajo Nation has participated in the development of a long-term water quality program for the San Juan River Watershed and encompassing rivers. The Water Infrastructure Improvements for the Nation (WIIN) Act Section 5004(d) was enacted by Congress in December 2016 and provides that EPA, "in conjunction with affected States, Indian tribes and local governments, shall, subject to the availability of appropriations, develop and implement a program for long-term water quality monitoring of rivers contaminated by the Gold King Mine release." It is expected that the Navajo Nation will receive additional grant funding to carry out priority water quality monitoring projects per the WIIN Act in 2019.

Danielle Angeles, Water Division (415) 972-3441 **updated 03/2019*

Clean Water Indian Set Aside (CWISA)

CWISA has funded over \$104M in wastewater infrastructure since 1994, which includes their 2018

allocation of \$4.788M and their ARRA allocation of \$10.176M. CWISA funds have helped to fund 459 projects. Out of 459 projects, approximately 340 are complete; access to basic sanitation and other environmental results were provided for an estimated 46,005 homes.

CWISA has approximately 117 active projects with Navajo Nation and Navajo Area Indian Health Service. Most projects are for septic tank and drainfield projects.

Howard Kahan, Water Division (415) 972-3143 *updated 03/2019

Navajo Nation NPDES Program

Currently there are 34 NPDES permits on the Navajo Nation. Most of the permits are for Lagoon Systems or Boarding Schools. Several permitted facilities are operated by NTUA, a tribal enterprise governed by a board of directors who are accountable to the Tribal government. In 2014 – 2016, EPA and NNEPA issued parallel orders to NTUA to bring five of its wastewater systems into compliance with the permit. (b) (5)

(b) (5)

ther permits are for coal mines, casinos and the Four Corners Power Plant cooling water lake. The Navajo Nation has not been delegated NPDES permitting authority, but NN EPA drafts permits (which EPA issues) and conducts site inspections under their CWA 106 grant. ***See Attachment: “Navajo Nation NPDES Permits in Navajo”***

Thanne Berg, Enforcement and Compliance Assurance Division (415) 972-3 *updated 03/2020

Leaking Underground Storage Tank Sites

Navajo has seen a dramatic decrease in the number of LUST sites in the last 15 years, from 122 in 2004 to 35 today. Of the remaining sites, EPA recommends file closure on 16 of them but NNEPA does not concur.

There are two federal-lead historic LUST sites in Tuba City, Arizona which affect both the Navajo Nation and the Hopi Tribe. One site, Thriftway-Sunwest remediated by Thriftway Corporation, is undergoing active remediation and is expected to continue for an additional 3-4 years. The second site, Davis Chevrolet, find contamination in the Navajo Kayenta sandstone

formation extending over 1,500 feet in length. Various remedial technologies have been tested to limited effect and federal funding is limited. This site is estimated to require up to 20 years to remediate. In-Situ Oxygen Release (ISCO) was implemented site-wide in January 2019.

Rebecca Jamison, Land, Chemicals & Redevelopment Division (415) 972-3365 *updated 03/2019

Navajo Underground Storage Tank Program

EPA has funded the Navajo UST program since 1991. Navajo has 98 active facilities which are inspected biennially by NNEPA staff. The compliance rate of the UST facilities is comparable with the national rate.

Bobby Ojha, Land, Chemical & Redevelopment Division (415) 972-3374 *updated 03/2020

Air Program

Navajo Nation has received Clean Air Act funding for over 30 years, providing more than \$7 million in funding to conduct air quality monitoring, develop air permitting regulations, and work on compliance issue with stationary sources on the Reservation.

Navajo Nation has Treatment in a similar manner as a State (TAS) for the purpose of implementing a federal title V operating permit program. Navajo Nation EPA (NNEPA) has been successfully implementing their air pollution operating permit program since 2004 and collecting permitting fees from approximately 13 major sources. They were the first Tribe in the nation to receive delegation of this program. (b) (5)

Four Corners Power Plant Settlement is providing \$4.7Million for stove changeouts and weatherization.

EPA trained 43 Navajo contractors to install stoves (\$43k), worked with stove industry to develop cleaner EPA-certified stoves that can burn wood and coal (in progress), tested old and new stove models in the lab, and are planning a research study of pre- and post-

changeout air pollution levels and health outcomes (\$140k). EPA invested \$90,000 to create a public service announcement and outreach materials on wood and coal smoke, and on past research with Dine College to reduce exposure to coal and wood smoke.

Since 1995, EPA has provided \$55,000 - \$80,000 per year under the State Indoor Radon Grant (SIRG) program to the Navajo Nation. The Navajo Radon Program has developed Navajo language radon information, encouraged radon testing of homes, tested all schools and public buildings, developed a database and map of radon measurements, conducted workshops to train Navajo contractors on radon mitigation, provides assistance to the Navajo Superfund Program to test homes on sites contaminated with uranium mill tailings, is working with the Navajo Housing Authority to test public housing, and is testing homes of participants in the Navajo Birth Cohort Study.

Lauren Maghran, Air Division (415) 947-4107 *updated 03/2020

Air Quality Implementation Plans for Navajo Nation Power Plants

Historically, the two major sources on the reservation were coal-fired power plants: The Four Corners Power Plant (FCPP), located near Farmington, New Mexico, and the Navajo Generating Station (NGS), located near Page, Arizona. Over the years, EPA has developed various Federal Implementation Plans to reduce air pollution emissions from FCPP and NGS.

EPA is engaging with Arizona Public Service (APS), the owners of FCPP, to revise the existing implementation plan to replace old monitoring requirements with requirements to use new monitoring technology. This revision is currently on hold due to potential implications for EPA's policy on emissions during startup, shutdown and malfunction. EPA will coordinate with APS and NNEPA prior to proposing plan revisions.

In 2018, EPA proposed similar rule revisions for NGS and received public comments. However, Navajo Generating Station, which was operated by Salt River Project (SRP), shut down on November 18, 2019. EPA, NNEPA, and SRP are discussing how to rescind the NGS FIP and its requirement for local air quality monitoring, which still applies despite the closure. The first step is for SRP to request that EPA rescind the facility's air permits. After

the permits have been rescinded, EPA can terminate the FIP.

Lauren Maghran, Air Division (415) 947-4107 *updated 03/2020

Navajo Generating Station – Kayenta Mine Complex – NEPA

In December 2016, the Bureau of Reclamation (BOR) released a DEIS analyzing the effects of extending NGS operations through 2044. EPA was a cooperating agency on the EIS. After the DEIS public comment period ended, the utility owners of the NGS elected to cease operations and a FEIS was never published. Per a follow-up Environmental Assessment by BOR, NGS will shut down and begin closure activities at the end of 2019. New owners for NGS have been sought, but none have been found. The Kayenta Mine Complex (KMC), which is leased by Peabody Western Coal Company, and is the sole coal supplier to NGS, will also be closed and reclaimed. No further NEPA documents are expected at this time.

NGS is a 2,250-megawatt coal-fired power plant located on the Navajo Nation Indian Reservation near Page, Arizona. In addition to the power plant, other NGS facilities include water intake and pipeline from Lake Powell; dedicated 80-mile electric railroad that delivers coal from the Kayenta Mine to NGS; coal load-out facility; dry landfill for coal combustion by-products disposal (fly ash); and transmission systems to distribute the power generated by NGS. The United States is not an owner of NGS; however, the BOR has a contractual entitlement to 24.3% of the capacity and energy produced at NGS. About 65% of the United States' share of NGS capacity and energy is used to run the Central Arizona Project pumps.

KMC is located on about 44,073 acres of land leased within the boundaries of the Hopi Tribe and Navajo Nation Indian Reservations near the town of Kayenta, Arizona. The KMC comprises two contiguous mining areas, the Kayenta Mine and the Black Mesa Mine, which share numerous facilities. Currently only the Kayenta Mine is active. Since closure of the Mohave Generating Station in 2005 there has been no mining at the Black Mesa Mine. NGS is Peabody's only KMC customer. Peabody filed for bankruptcy in April 2016.

Pesticides Program

Navajo Nation EPA Pesticide Program conducts approximately 100 FIFRA inspections per year under federal authorities. Inspection types include Agricultural and Non-Agricultural Use, Marketplace and Certified Applicator Records. Inspection reports are submitted to EPA R9 and enforcement action is taken by EPA when appropriate.

Norman Calero, Land, Chemicals & Redevelopment Division
(415) 972-3793 *updated 03/2019

Solid Waste

Navajo Nation's Community Development Division completed an Integrated Solid Waste Management Plan (ISWMP) in 2018. The purpose of this plan will be to identify the Nation's needs and to guide its future solid waste management and recycling efforts. (b) (5)

[REDACTED]

Deirdre Nurre, Land, Chemical & Redevelopment Division
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Superfund Program

R9's Superfund program provides funding for development of emergency response and remediation of sites across Navajo including over 500 abandoned uranium mines. In 2015, EPA entered into enforcement agreements and settlements valued at over \$1.7 billion to reduce the highest risks of radiation exposure to the Navajo people from AUMs. Additional Superfund Program information will be provided separately.

Rebecca Jamison, Superfund Division (415) 972-3365
*updated 03/2020

Notable Accomplishments

The Navajo Nation received the first Region 9 tribal Air grant in 1985 to develop their program's capacity to work with the many major air pollution sources (including two large coal-fired power plants) on their

reservation. NN was delegated the CAA Title V Permitting Program in 2005.

The Navajo Nation became the first tribe to attain program delegation (in 2003) under the Safe Drinking Water Act Section 1413 and the second Tribe to receive delegation of the SDWA UIC program (in 2008). They received delegation for Water Quality Standards in 2006.

The Navajo Nation Underground Storage Tank (UST) statute was promulgated in 1988. Navajo amended their UST regulations in 2012 to issue Field Citations and Fuel Delivery Bans. The Tribe also collects fees for UST registration annually and a percentage is collected on all petroleum sales.

From 1944 to 1986, nearly four million tons of uranium ore were extracted from Navajo Nation lands in Arizona, New Mexico, and Utah. Much work has been done to close and restore the mines, but a legacy of uranium contamination remains from more than 500 abandoned uranium mines, homes built with contaminated waste rock from the mines, and contaminated water wells.